



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**

REGION 5

77 WEST JACKSON BOULEVARD

CHICAGO, IL 60604-3590

SEP 30 2010

REPLY TO THE ATTENTION OF:

AE-17J

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Scott R. Tatro  
Director, U.S. Northern Operations  
Marsulex, Inc.  
1400 Otter Creek Road  
Oregon, Ohio 43616-1232

Dear Mr. Tatro:

This is to advise you that the U.S. Environmental Protection Agency has determined that the Marsulex, Inc. (Marsulex) facility at 1400 Otter Creek Road, Oregon, Ohio (facility) is in violation of the Clean Air Act (CAA) and associated state or local pollution control requirements. A list of the requirements violated is provided below. We are today issuing to you a Notice of Violation and Finding of Violation (NOV/FOV) for these violations.

The CAA requires the development of Primary and Secondary National Ambient Air Quality Standards to protect public health and welfare. To attain and maintain these standards, each State is required to develop an implementation plan. Ohio's State Implementation Plan (Ohio SIP) requires the following:

Carbon monoxide (CO) emissions from Marsulex's Sulfuric Acid Plant A and Sulfuric Acid Plant B each are limited 0.82 lb/hour and 3.59 tons per year in accordance with a Best Available Technology (BAT) determination pursuant to OAC 3745-31-05(A)(3). This limit is incorporated into Marsulex's Title V Permit. The purpose of these limits on CO emissions is to help protect the public from unhealthy exposures to CO, which can enter the bloodstream reducing oxygen delivery and can aggravate cardiovascular disease.

EPA finds that Marsulex's facility has violated the above listed Ohio SIP requirements, as incorporated into Marsulex's Title V Permit and Permit to Install Number 04-00923. Since Marsulex violated its Title V permit, it has also violated Title V of the CAA and its associated regulations which require compliance with the terms and conditions of Title V permits. Additionally, in violating the Ohio SIP requirements and Permit to Install Number 14-05108,

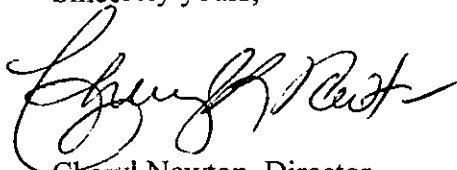
you have violated Title I of the CAA and its implementing regulations, which require compliance with the terms and conditions of the Ohio SIP and permits to install.

Section 113 of the CAA gives us several enforcement options to resolve these violations, including: issuing an administrative compliance order, issuing an administrative penalty order, bringing a judicial civil action, and bringing a judicial criminal action.

We are offering you the opportunity to request a conference with us about the violations alleged in the NOV/FOV. A conference should be requested within 10 days following receipt of this notice. A conference should be held within 30 days following receipt of this notice. This conference will provide you a chance to present information on the identified violations, any efforts you have taken to comply, and the steps you will take to prevent future violations. Please plan for your facility's technical and management personnel to take part in these discussions. You may have an attorney represent and accompany you at this conference.

The EPA contact in this matter is Nathan A. Frank, P.E. You may call him at (312) 886-3850 if you wish to request a conference. EPA hopes that this NOV/FOV will encourage Marsulex's compliance with the requirements of the Clean Air Act.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Cheryl Newton", is written over the typed name.

Cheryl Newton, Director  
Air and Radiation Division

Enclosure

cc: Robert Hodanbosi, Chief  
Division of Air Pollution Control  
Ohio Environmental Protection Agency

Karen Granata, Administrator  
Division of Environmental Services  
City of Toledo

Charles Perry  
Jones Day  
1420 Peachtree Street, N.E.  
Suite 800  
Atlanta, Georgia 30309-3053

**United States Environmental Protection Agency  
Region 5**

IN THE MATTER OF:	)	
	)	
Marsulex, Inc.	)	NOTICE OF VIOLATION and
Oregon, Ohio	)	FINDING OF VIOLATION
	)	
	)	EPA-5-10-OH-29
Proceedings Pursuant to	)	
the Clean Air Act,	)	
42 U.S.C. §§ 7401 et seq.	)	

**NOTICE AND FINDING OF VIOLATION**

Marsulex, Inc. (you or Marsulex) owns and operates two sulfuric acid plants at 1400 Otter Creek Road, Oregon, Ohio (facility). The sulfuric acid plants are identified as Sulfuric Acid Plant A, Emission Unit P001, and Sulfuric Acid Plant B, Emission Unit P002.

The U.S. Environmental Protection Agency is sending this Notice of Violation and Finding of Violation (NOV/FOV or Notice) to notify you that we have found carbon monoxide (CO) emissions from Sulfuric Acid Plants A and B at your facility in excess of the limits specified in your Title V permit, Permit to Install, and the Ohio State Implementation Plan (Ohio SIP). These exceedances constitute violations of the Clean Air Act (the Act or CAA).

Section 113 of the Act provides you with the opportunity to request a conference with us to discuss the violations alleged in the NOV/FOV. This conference will provide you a chance to present information on the identified violations, any efforts you have taken to comply, and the steps you will take to prevent future violations. Please plan for the facility's technical and management personnel to take part in these discussions. You may have an attorney represent and accompany you at this conference.

**Explanation of Violations**

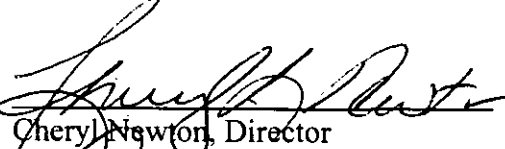
1. The permits and permit conditions relevant to this NOV/FOV are as follows:
  - a. Ohio Environmental Protection Agency (OEPA) issued Title V Permit P0088529 (Title V Permit) to the facility on January 30, 2004. Part III, Emission Unit P001 and P002, A.I.1. of the Title V Permit prohibits Sulfuric Acid Plants A and B from emitting CO emissions over 0.82 lb/hour and 3.59 tons per year.

- b. OEPA issued Permit to Install 04-00923 on November 20, 2001 to modify Sulfuric Acid Plants A and B. This permit prohibits Plants A and B from emitting CO emissions over 0.82 lb/hour and 3.59 tons per year and identifies such rates as Best Available Technology (BAT) in accordance with OAC 3745-31-05(A)(3).
2. Based on information disclosed by Marsulex to EPA, both Sulfuric Acid Plants A and B have emitted and continue to emit CO in excess of 0.82 lb/hour and 3.59 tons per year.
3. Marsulex's excess CO emissions from Sulfuric Acid Plants A and B are violations of the CO limit in Part III Emission Unit P001 and P002 A.1.1. of Title V Permit P0088529 and applicable Ohio SIP requirement specified in the Title V Permit.
4. Marsulex's excess CO emissions from Sulfuric Acid Plants A and B are violations of the CO limit in Permit to Install 04-00923 and Ohio SIP Rule OAC 3745-31-05(A)(3).

**Environmental Impact of Violations**

5. Violation of CO standards increases public exposure to CO, which can enter the bloodstream reducing oxygen delivery and can aggravate cardiovascular disease.

9/30/10  
Date

  
Cheryl Newton, Director  
Air and Radiation Division

## CERTIFICATE OF MAILING

I, Loretta Shaffer, certify that I sent a Notice and Finding of Violation, No. EPA-5-10-OH-29, by Certified Mail, Return Receipt Requested, to:

Scott R. Tatro, Director U.S. Northern Operations  
Marsulex, Inc.  
1400 Otter Creek Road  
Oregon, Ohio 43616-1232

and

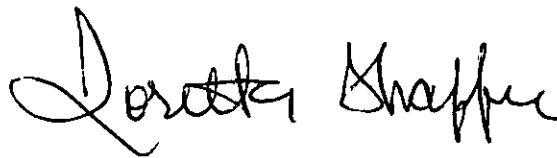
Charles Perry  
Jones Day  
1420 Peachtree Street, N.E.  
Suite 800  
Atlanta, Georgia 30309-3053

I also certify that I sent copies of the Notice of Violation and Finding of Violation by first class mail to:

Robert Hodanbosi, Chief  
Division of Air Pollution Control  
Ohio Environmental Protection Agency  
P.O. Box 1049  
Columbus, Ohio 43216-1049

Karen Granada, Administrator  
Division of Environmental Services  
348 South Erie Street  
Toledo, Ohio 43604

on the 30 day of Sept, 2010.



CERTIFIED MAIL RECEIPT NUMBER: 7001 0320 0006 0192 0331